

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

STEPHEN BURGESS, individually, and BRUCE WOLF, as the court-appointed Personal Representative of the Estate of DEBORA M. BURGESS and on behalf of all statutory wrongful death beneficiaries,

Plaintiffs,

-vs-

DAIMLER TRUCK NORTH AMERICA, LLC, a Delaware limited liability company, HTS LOGISTICS, INC. and SAHIL TAYA and JANE DOE TAYA, husband and wife,

Defendants.

**Case No. 1:23-CV-03054-MKD**

**CIVIL MINUTES**

**DATE: SEPTEMBER 23, 2025**

**LOCATION: RICHLAND**

**DAUBERT MOTION HEARING –  
continuation of July 29, 2025 hearing**

<b>Honorable Mary K. Dimke</b>		
Cora Vargas <b>Courtroom Deputy</b>	02 <b>Law Clerk</b>	Kimberly Allen <b>Court Reporter</b>
Lincoln Sieler Michael Angiulo  <b>Plaintiffs' Counsel</b>	Michael Kleffner, Brian Armstrong, Jennifer Artman for Daimler Truck North America, LLC  Skyler Urban for HTS Logistics, Inc. and Taya via video  <b>Defendants' Counsel</b>	

☒ **Open Court**

☐ **Chambers**

☐ **Video conference**

Mr. Kleffner indicated he added a few slides to his PowerPoint and added the ECF numbers to most of the slides. Mr. Kleffner provided a hard copy to the Court and indicated he previously provided an electronic copy to opposing counsel.

**Daimler Truck North America LLC's Daubert Motion to Exclude Certain Opinions and Testimony of Shawn Harrington, ECF No. 107.**

**Plaintiffs' Motion to Exclude Certain Opinions and Testimony of Michelle Kuykendal, ECF No. 112.**

- Michelle L. Kuykendal, PhD, PE, sworn to testify
  - Direct examination by Mr. Kleffner continued from hearing held on July 29, 2025

Recess: 10:03 a.m.  
Reconvene: 10:13 a.m.

**[ X ] ORDER FORTHCOMING**

<b>CONVENED: 9:03 A.M.</b> <b>10:13 A.M.</b> <b>12:00 P.M.</b> <b>2:00 P.M.</b> <b>2:53 P.M.</b>	<b>ADJOURNED: 10:03 A.M.</b> <b>11:43 A.M.</b> <b>1:00 P.M.</b> <b>2:45 P.M.</b> <b>3:55 P.M.</b>	<b>TIME: 5:17 HR.</b>	<b>CALENDARED [ X ]</b>
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- Michelle L. Kuykendal resumed testimony
  - Direct examination by Mr. Kleffner continued

Recess: 11:43 a.m.  
Reconvene: 12:00 p.m.

- Michelle L. Kuykendal resumed testimony
  - Direct examination by Mr. Kleffner continued
  - Cross examination by Mr. Angiulo (12:08 p.m.)

Recess: 1:00 p.m.  
Reconvene: 2:00 p.m.

- Michelle L. Kuykendal resumed testimony
  - Cross examination by Mr. Angiulo continued

Recess: 2:45 p.m.  
Reconvene: 2:53 p.m.

The Court and counsel discussed schedule and the possibility of resetting argument on the motions by video conference. Counsel agreed to set oral argument via video conference for September 29, 2025, at 1:00 p.m.

- Michelle L. Kuykendal resumed stand
  - No additional cross by Mr. Angiulo
  - No redirect by Mr. Kleffner
  - Witness stepped down
- Shawn F. Harrington, B.S.E.S.M., ACTAR, sworn for rebuttal testimony (2:56 a.m.)
  - Redirect by Mr. Angiulo
  - Recross by Mr. Kleffner (3:27 p.m.)
  - Additional redirect by Mr. Angiulo
  - Additional recross by Mr. Kleffner
  - Witness stepped down

**Court:** oral argument on both motions will be heard on **Monday, September 29, 2025, at 1:00 p.m. via video conference.** Each side is allotted one hour total for argument.